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ACTION IO-00

INFO	LOG-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00	WHA-00
	PERC-00	SRPP-00	EB-00	EUR-00	VC-00	H-00	TEDE-00
	INR-00	L-00	VCE-00	NEA-00	NSAE-00	NSCE-00	OIC-00
	NIMA-00	PA-00	PRS-00	P-00	SP-00	IRM-00	STR-00
	TRSE-00	USIE-00	PRM-00	DRL-00	G-00	SAS-00	/000W

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R 261126Z MAY 04
FM USMISSION GENEVA
TO SECSTATE WASHDC 0772
INFO AMEMBASSY CAIRO
AMEMBASSY MADRID
AMEMBASSY NICOSIA
AMEMBASSY QUITO
CPA BAGHDAD 0018
USMISSION USUN NEW YORK

RELEASED IN PART
B1, 1.4(B), 1.4(D)

C O N F I D E N T I A L GENEVA 001508

FOR IO/SHA, DRL/MLA, L/HRR, L/T

E.O. 12958: DECL: 05/25/2009

TAGS: PHUM, UNCHR-1

SUBJECT: COMMITTEE AGAINST TORTURE WRITES U.S. ON OVERDUE
SECOND PERIODIC REPORT

REF: FAX TO IO/SHA MAY 21 2004

Classified By: Political Counselor Jeff DeLaurentis for reason 1.4(d).

1. (U) On May 21, Mission received a letter from the Chairperson of the Committee against Torture (CAT), Fernando Marino Menendez, requesting submission of the U.S. second periodic report no later than October 1, 2004. The report was due in November 1999. The letter also states that the report should include updated information on the situation of detainees in Iraq. The CAT took the unusual step of referring to the letter in a press release announcing the conclusion of its thirty-second session, also on May 21.

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: FRANK H PEREZ
CLASSIFICATION: CONFIDENTIAL REASON: 1.4(B), 1.4(D)
DECLASSIFY AFTER: 25 MAY 2029
DATE/CASE ID: 29 DEC 2008 200601912

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6. (U) Begin text of letter from the CAT to Ambassador Moley dated 21 May 2004:

Excellency,

On behalf of the Committee against Torture, I have the honour to refer to the Convention against Torture and Other

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Cruel, Inhuman or Degrading Treatment or Punishment, ratified by your country on 20 November 1994. I would like to recall that, pursuant to article 19, paragraph 1, of the Convention, States parties to the Convention shall submit to the Committee reports on the measures taken to give effect to their undertakings under the Convention, within one year after the entry into force and thereafter every four years.

The initial report of His Excellency's Government (CAT/C/28/Add5), which was due on 19 November 1995, was submitted in October 1999 and considered by the Committee against Torture at its twenty-fourth session held from 1 to 19 May 2000. In its conclusions and recommendations the Committee requested His Excellency's Government to submit its

second periodic report, due in November 1999, by 19 November 2001 (see the relevant concluding observations A/55/44, paras. 175-180, paragraph 180, subparagraph (f)).

I would be grateful if, in pursuance of the above mentioned provisions of the Convention, the report of His Excellency's Government under article 19 of the Convention could reach the Committee by 1 October 2004 in order to be considered by the Committee as soon as possible.

I draw your attention, in particular to article 2.1 of the Convention, according to which each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture (begin underline) in any territory under its jurisdiction (end underline).

In view of the serious allegations regarding the use of torture and ill-treatment by forces serving under the authority of the State party in Iraq, the report should include updated information concerning the situation in places of detention in Iraq, up to the time of the submission of the report.

Please accept, your Excellency, the assurance of my highest consideration.

Fernando Marino Menendez

Chairperson of the Committee against Torture.

End Text.

7. Minimize considered.

Moley

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